

January 15, 1974

PRESIDENT: The chair recognizes Senator Fellman.

SENATOR FELLMAN: Mr. President and members of the Legislature. With due respect for Senator Marvel's thinking and opinions and stature in this body. It seems to me that someone should point out, and I would like to take this opportunity. The obvious inconsistency, at least to me between the arguments that are being made today and the arguments that we had last session over the fight over DAS where the issue was where certain powers belong, whether they belong in the office of the Governor or within the Legislature. And I know I would be accused here of picking up the argument of the Governor, but as I read the letter the Governor is merely offering a suggestion to the Legislature, and saying quite candidly that he'll sign the bill and the bill will become law unless we do something. All over this country today the Congress and Legislators, Legislatures are fighting to preserve the position given to the Legislature by the Constitutions of the state and the federal government in the division of power. And here we're giving this away. There's all sorts of little problems that can develop. What if there's a Democratic auditor and a Republican Governor, or the reverse. What reason does the auditor have to follow the responsible action of the Legislature. What protection does the Legislature have against political chicanery on the part of the auditor. Or a fight between the executive and the Legislature. We have control of the purse strings we raise the taxes, and we budget the money that's spent. I can't see how any member of this body should feel that we should give away the power to control and investigate and determine what happens to the money that we spend. Unfortunately this measure here is doubtlessly going to get entangled in the gubernatorial race between Senator Marvel and Governor Exon. Exactly where it doesn't belong. It seems to me it belongs in the responsible action of this Legislature to preserve its own rights and to be able to project the money that appropriates. And I think that any of you would want to inquire among those who are technically involved with this, rather than those who are politically involved with this. You would find a considerable body of opinion, that says this belongs back with the Legislature for technical reasons. Now if we want to start voting politically and were a political body, God bless us, and God might love us. I don't think we're fulfilling the oath of office we took to the people other than to the deity to the political deity.

PRESIDENT: Senator Luedtke, then Mahoney, then Cavanaugh, Stahmer.

SENATOR LUEDTKE: Mr. President and members of the Legislature. First this bill came about as a resolution introduced by me. This was a couple years ago and the intent of that particular resolution was to get this Legislature off of dead center to do something about legislative oversight. I submit to you that there was careful study made of this, we discussed all ramifications of utilizing the auditors post, since the auditors office was already established a constitutional office. There was protection made in this bill to set up a committee which was quite different from DAS, there was no such legislative review committee working together in a cooperative way with a constitutional established office. There is no reason why this bill should not be given an opportunity to work. I can tell you this, the Legislature still controls in this respect that it can change this at any session if

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